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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,017	03/02/2004	Maik Obendorf	2877	1212

7590 06/26/2006

STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

EXAMINER	
HOWARD, ZACHARY C	

ART UNIT	PAPER NUMBER
1646	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO. /CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/791017	03/02/2004	Maik Obendorf	2877

EXAMINER	
Zachary C. Howard	
ART UNIT	**PAPER**
1646	06/14/2006

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R.. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>, EFS Submission User Manual - ePAVE)
2. Mailed to:
   Mail Stop Sequence
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   P.O. Box 22313-1450
   Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:
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   Customer Window
   Randolph Building

Notice to Comply	Application No. 10/791017	Applicant(s) OBENDORF ET AL.	
	Examiner Zachary C. Howard	Art Unit 1646	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☐ 7. Other:

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application**.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923
For CRF Submission Help, call (703) 308-4212 or 308-2923
PatentIn Software Program Support
Technical Assistance.....703-287-0200
To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

401 Dulaney Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Zachary C. Howard whose telephone number is (571) 272-2877.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Gary Nickol can be reached at 571-272-0835.

GARY B. NICKOL, PH.D.
PRIMARY EXAMINER

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/791,078
Source: IFW16
Date Processed by STIC: 5/30/06

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:
1) **INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
2) **TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO **REDUCE** ERRORED SEQUENCE LISTINGS, **PLEASE** USE THE **CHECKER VERSION 4.4.0 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.
Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.
Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm> , **EFS Submission User Manual** - ePAVE)
2. **U.S. Postal Service:** Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. **Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):** U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06

IFW16

RAW SEQUENCE LISTING DATE: 05/30/2006
PATENT APPLICATION: US/10/791,017B TIME: 11:30:26

Input Set : A:\textobendorfsequence052006.txt
Output Set: N:\CRF4\05302006\J791017B.raw

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     4 <110> APPLICANT: JENAPHARM GmbH & Co. KG
W--> 5 <120> TITLE OF INVENTION: Methods for Determining Hormonal Effects of Substances
W--> 6 <130> FILE REFERENCE: Pat 3684/11
W--> 7 <140> CURRENT APPLICATION NUMBER: US/10/791,017B
     8 <141> CURRENT FILING DATE: 2004-03-02
E--> 10 <160> NUMBER OF SEQ ID NOS: 7 8 (see below)
    11 <170> SOFTWARE: PatentIn Ver. 2.1
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see pp 1–5

ERRORED SEQUENCES

Does Not Comply
Corrected Diskette Needed

last sequence in submitted file

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   404 <210> SEQ ID NO: 8
   405 <211> LENGTH: 918
   406 <212> TYPE: PRT
   407 <213> ORGANISM: Homo sapiens
   409 <400> SEQUENCE: 8
   412 Met Glu Val Gln Leu Gly Leu Gly Arg Val Tyr Pro Arg Pro Pro Ser
   413   1               5                  10                  15
   415 Lys Thr Tyr Arg Gly Ala Phe Gln Asn Leu Phe Gln Ser Val Arg Glu
   416               20                  25                  30
   418 Val Ile Gln Asn Pro Gly Pro Arg His Pro Glu Ala Ala Ser Ala Ala
   419         35                  40                  45
   421 Pro Pro Gly Ala Ser Leu Leu Leu Leu Gln Gln Gln Gln Gln Gln Gln
   422     50                  55                  60
   424 Gln Gln Gln Gln Gln Gln Gln Gln Gln Gln Glu Thr Ser Pro Arg Gln
   425 65                  70                  75                  80
   427 Gln Gln Gln Gln Gln Gln Glu Asp Gly Ser Pro Gln Ala His Arg Arg
E--> 428     ~~85~~        85        ~~90~~        90        ~~95~~        95
   430 Gly Pro Thr Gly Tyr Leu Val Leu Asp Glu Glu Gln Gln Pro Ser Gln
E--> 431             100                 105                 110
   433 Pro Gln Ser Ala Leu Glu Cys His Pro Glu Arg Gly Cys Val Pro Glu
E--> 434         115                 120                 125
   436 Pro Gly Ala Ala Val Ala Ala Ser Lys Gly Leu Pro Gln Gln Leu Pro
E--> 437     130                 135                 140
   439 Ala Pro Pro Asp Glu Asp Asp Ser Ala Ala Pro Ser Thr Leu Ser Leu
E--> 440 145                 150                 155                 160
   442 Leu Gly Pro Thr Phe Pro Gly Leu Ser Ser Cys Ser Ala Asp Leu Lys
E--> 443                 165                 170                 175
   445 Asp Ile Leu Ser Glu Ala Ser Thr Met Gln Leu Leu Gln Gln Gln Gln
E--> 446             180                 185                 190
   448 Gln Glu Ala Val Ser Glu Gly Ser Ser Ser Gly Arg Ala Arg Glu Ala
E--> 449         195                 200                 205
   451 Ser Gly Ala Pro Thr Ser Ser Lys Asp Asn Tyr Leu Gly Gly Thr Ser
```

misaligned amino acid numbers. Do not use TAB codes

OK

RAW SEQUENCE LISTING DATE: 05/30/2006
PATENT APPLICATION: US/10/791,017B TIME: 11:30:26

Input Set : A:\textobendorfsequence052006.txt
Output Set: N:\CRF4\05302006\J791017B.raw

```
E--> 452     210                 215                 220
     454 Thr Ile Ser Asp Asn Ala Lys Glu Leu Cys Lys Ala Val Ser Val Ser
E--> 455 225                 230                 235                 240
     457 Met Gly Leu Gly Val Glu Ala Leu Glu His Leu Ser Pro Gly Glu Gln
E--> 458                 245                 250                 255
     460 Leu Arg Gly Asp Cys Met Tyr Ala Pro Leu Leu Gly Val Pro Pro Ala
E--> 461             260                 265                 270
     463 Val Arg Pro Thr Pro Cys Ala Pro Leu Ala Glu Cys Lys Gly Ser Leu
E--> 464         275                 280                 285
     466 Leu Asp Asp Ser Ala Gly Lys Ser Thr Glu Asp Thr Ala Glu Tyr Ser
E--> 467     290                 295                 300
     469 Pro Phe Lys Gly Gly Tyr Thr Lys Gly Leu Glu Gly Glu Ser Leu Gly
E--> 470 305                 310                 315                 320
     472 Cys Ser Gly Ser Ala Ala Ala Gly Ser Ser Gly Thr Leu Glu Leu Pro
E--> 473                 325 invalid         330                 335
E--> 475 Ser Thr Leu Ser Ley Tyr Lys Ser Gly Ala Leu Asp Glu Ala Ala Ala
E--> 476             340                 345                 350
     478 Tyr Gln Ser Arg Asp Tyr Tyr Asn Phe Pro Leu Ala Leu Ala Gly Pro
E--> 479     ~~355~~ 355 .   .   ~~360~~ 360         ~~365~~ 365
     481 Pro Pro Pro Pro Pro Pro Pro His Pro His Ala Arg Ile Lys Leu Glu
E--> 482     370                 375                 380
     484 Asn Pro Leu Asp Tyr Gly Ser Ala Trp Ala Ala Ala Ala Ala Gln Cys
E--> 485 385                 390                 395                 400
     487 Arg Tyr Gly Asp Leu Ala Ser Leu His Gly Ala Gly Ala Ala Gly Pro
E--> 488                 405                 410                 415
     490 Gly Ser Gly Ser Pro Ser Ala Ala Ala Ser Ser Ser Trp His Thr Leu
E--> 491             420                 425                 430
     493 Phe Thr Ala Glu Glu Gly Gln Leu Tyr Gly Pro Cys Gly Gly Gly Gly
E--> 494         435                 440                 445
     496 Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly Gly
E--> 497     450                 455                 460
     499 Gly Gly Gly Gly Gly Gly Gly Glu Ala Glu Ala Val Ala Pro Tyr Gly
E--> 500 465                 470                 475                 480
     502 Tyr Thr Arg Pro Pro Gln Gly Leu Ala Gly Gln Glu Ser Asp Phe Thr
E--> 503                 485                 490                 495
     505 Ala Pro Asp Val Trp Tyr Pro Gly Gly Met Val Ser Arg Val Pro Tyr
E--> 506             500                 505                 510
     508 Pro Ser Pro Thr Cys Val Lys Ser Glu Met Gly Pro Trp Met Asp Ser
E--> 509         515                 520                 525
E--> 511 Tyr Ser Gly Pro Tyr Gly Asp Met Arg Ley Glu Thr Ala Arg Asp His
E--> 512     530                 535                 540
     514 Val Leu Pro Ile Asp Tyr Tyr Phe Pro Pro Gln Lys Thr Cys Leu Ile
E--> 515 545                 550                 555                 560
     517 Cys Gly Asp Glu Ala Ser Gly Cys His Tyr Gly Ala Leu Thr Cys Gly
E--> 518                 565                 570                 575
     520 Ser Cys Lys Val Phe Phe Lys Arg Ala Ala Glu Gly Lys Gln Lys Tyr
E--> 521             580                 585                 590
     523 Leu Cys Ala Ser Arg Asn Asp Cys Thr Ile Asp Lys Phe Arg Arg Lys
E--> 524         595                 600                 605
```

invalid amino acid designator

misaligned nos.

OK

invalid amino acid designator

OK

RAW SEQUENCE LISTING DATE: 05/30/2006
PATENT APPLICATION: US/10/791,017B TIME: 11:30:26

Input Set : A:\textobendorfsequence052006.txt
Output Set: N:\CRF4\05302006\J791017B.raw

```
     526 Asn Cys Pro Ser Cys Arg Leu Arg Lys Cys Tyr Glu Ala Gly Met Thr
E--> 527     610                 615                 620
     529 Leu Gly Ala Arg Lys Leu Lys Lys Leu Gly Asn Leu Lys Leu Gln Glu
E--> 530 625                 630                 635                 640
     532 Glu Gly Glu Ala Ser Ser Thr Thr Ser Pro Thr Glu Glu Thr Thr Gln
E--> 533                 645                 650                 655
     535 Lys Leu Thr Val Ser His Ile Glu Gly Tyr Glu Cys Gln Pro Ile Phe
E--> 536                 660                 665                 670
     538 Leu Asn Val Leu Glu Ala Ile Glu Pro Gly Val Val Cys Ala Gly His
E--> 539    675 675             680 680             685 685
     541 Asp Asn Asn Gln Pro Asp Ser Phe Ala Ala Leu Leu Ser Ser Leu Asn
E--> 542     690                 695                 700
     544 Glu Leu Gly Glu Arg Gln Leu Val His Val Val Lys Trp Ala Lys Ala
E--> 545 705                 710                 715                 720
     547 Leu Pro Gly Phe Arg Asn Leu His Val Asp Asp Gln Met Ala Val Ile
E--> 548                 725                 730                 735
     550 Gln Tyr Ser Trp Met Gly Leu Met Val Phe Ala Met Gly Trp Arg Ser
E--> 551                 740                 745                 750
     553 Phe Thr Asn Val Asn Ser Arg Met Leu Tyr Phe Ala Pro Asp Leu Val
E--> 554         755                 760                 765
     556 Phe Asn Glu Tyr Arg Met His Lys Ser Arg Met Tyr Ser Gln Cys Val
E--> 557     770                 775                 780
     559 Arg Met Arg His Leu Ser Gln Glu Phe Gly Trp Leu Gln Ile Thr Pro
E--> 560 785                 790                 795                 800
     562 Gln Glu Phe Leu Cys Met Lys Ala Leu Leu Leu Phe Ser Ile Ile Pro
E--> 563                 805                 810                 815
     565 Val Asp Glu Leu Arg Met Asn Tyr Ile Lys Glu Leu Asp Arg Met Asn
E--> 566                 820                 825                 830
     568 Tyr Ile Lys Leu Glu Asp Arg Ile Ile Ala Cys Lys Arg Lys Asn Pro
E--> 569         835                 840                 845
     571 Thr Ser Cys Ser Arg Arg Phe Tyr Gln Leu Thr Lys Leu Leu Asp Ser
E--> 572     850                 855                 860
     574 Val Gln Pro Ile Ala Arg Glu Leu His Gln Phe Thr Phe Asp Leu Leu
E--> 575 865                 870                 875                 880
     577 Ile Lys Ser His Met Val Ser Val Asp Phe Pro Glu Met Met Ala Glu
E--> 578                 885                 890                 895
     580 Ile Ile Ser Val Gln Val Pro Lys Ile Leu Ser Gly Lys Val Lys Pro
E--> 581 897             900                 905                 910
     584 Ile Tyr Phe His Thr Gln
E--> 585    915 915
```

OK

misaligned nos.

OK

misaligned number

Delete this - Per Sequence Rules (1.822), number the amino acids under every 5 amino acids.

<210> 1
<211> 2390
<212> DNA
<213> Homo sapiens

<220>
<221> CDS
<222> (44)..(2011)
<223> EWS

<400> 1
agagggagac ggacgttgag agaacgagga ggaaggagag aaa atg gcg tcc acg 55
Met Ala Ser Thr
-1 1

gat tac agt acc tat agc caa gct gca gcg cag cag ggc tac agt gct 103
Asp Tyr Ser Thr Tyr Ser Gln Ala Ala Ala Gln Gln Gly Tyr Ser Ala
5 10 15 20

move the "1" directly under the "t" since the other number is under the last letter of amino acid

RAW SEQUENCE LISTING ERROR SUMMARY DATE: 05/30/2006
PATENT APPLICATION: US/10/791,017B TIME: 11:30:27

FYI

Input Set : A:\textobendorfsequence052006.txt
Output Set: N:\CRF4\05302006\J791017B.raw

Invalid Line Length:
The rules require that a line not exceed 72 characters in length. This includes spaces.

Seq#:1; Line(s) 25

VERIFICATION SUMMARY DATE: 05/30/2006
PATENT APPLICATION: US/10/791,017B TIME: 11:30:27

Input Set : A:\textobendorfsequence052006.txt
Output Set: N:\CRF4\05302006\J791017B.raw

L:5 M:283 W: Missing Blank Line separator, <120> field identifier
L:6 M:283 W: Missing Blank Line separator, <130> field identifier
L:7 M:283 W: Missing Blank Line separator, <140> field identifier
L:26 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:1
L:428 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:8
M:332 Repeated in SeqNo=8
L:475 M:330 E: (2) Invalid Amino Acid Designator, NUMBER OF INVALID KEYS:1
L:511 M:330 E: (2) Invalid Amino Acid Designator, NUMBER OF INVALID KEYS:1
L:10 M:203 E: No. of Seq. differs, <160> Number Of Sequences:Input (7) Counted (8)